

**CALENDAR ITEM
C93**

A 72

12/18/15

S 34

PRC 6900.1

A. Franzoia

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Portofino Cove Patio Homes Association, a California Non-Profit Mutual Benefit Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Main Channel of Huntington Harbour, adjacent to 3152 – 3186 Portofino Circle, Huntington Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of a dock with 14 slips, a walkway, two ramps, 20 pilings, two end-ties, and maintenance dredging.

LEASE TERM:

10 years, beginning December 15, 2015.

CONSIDERATION:

\$6,377 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the upland adjoining the lease premises.
2. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange entered into between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960, and recorded on January 31, 1961, in Book 5611, Page 470, Official Records, Orange County, California. Projects, including new development or maintenance of existing facilities, extending into these Channels beyond the bulkhead line require a lease from the Commission pursuant to Public Resources Code section 6501.1.

CALENDAR ITEM NO. **C93** (CONT'D)

3. On December 8, 2005, the Commission authorized the issuance of Lease No. PRC 6900.9, a Recreational Pier Lease, to Portofino Cove Patio Homes Association for a 10-year term beginning December 15, 2005, for an existing boat dock with 14 slips, walkway, and ramps. This lease expired on December 14, 2015.
4. The Applicant is now applying for a new lease for the use and maintenance of an existing dock with 14 slips, a walkway, and two ramps previously authorized by the Commission, and for 20 existing pilings, and two end-ties, not previously authorized by the Commission. The Applicant is also seeking authorization for maintenance dredging, to remove accumulated silt for navigation purposes.
5. **Existing Facilities:** The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).
6. **Dredging:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Legal Description
- B. Site and Location Map

CALENDAR ITEM NO. **C93** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Existing Facilities: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Maintenance Dredging: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 4, Minor Alteration to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(4).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Portofino Cove Patio Homes Association beginning December 15, 2015, for a term of 10 years, for the continued use and maintenance of a dock with 14 slips, a walkway, two ramps, 20 pilings, two end-ties, and maintenance dredging, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$6,377 with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6900.1

LAND DESCRIPTION

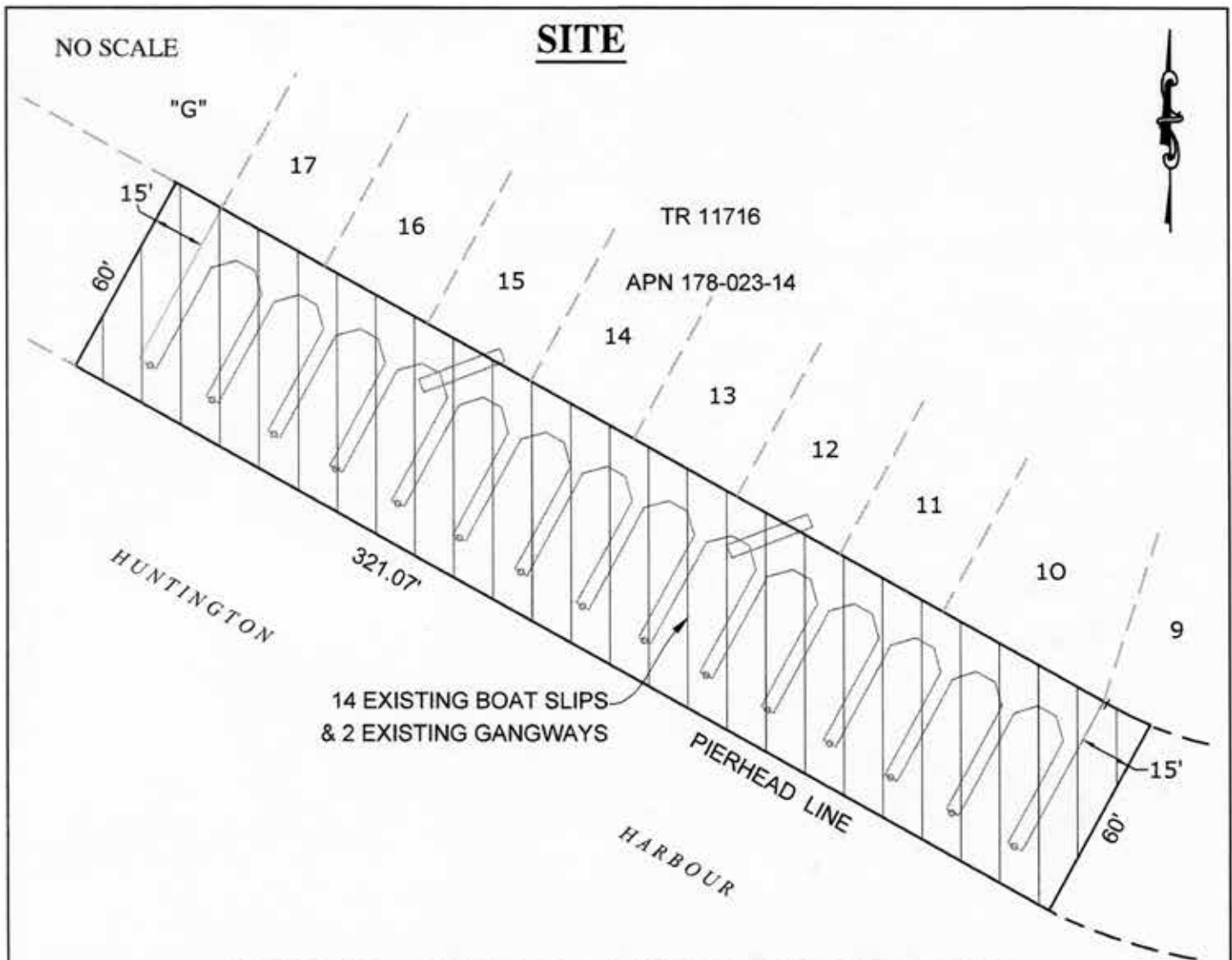
A parcel of submerged land in Huntington Harbour, in the city of Huntington Beach, Orange County, California, described as follows:

BEGINNING at the most southerly corner of Lot 10, as said lot is shown and so designated on that certain map of Tract No. 11716 filed in Book 537, Pages 17 through 19 of Miscellaneous Maps, Records of said County; thence southeasterly along the southerly line of Lot 9, as said lot is shown and so designated on said map, 15.03 feet; thence leaving said southerly line, southwesterly along a line parallel with the northwesterly line of said Lot 10, 60.00 feet, more or less, to the pierhead line, as said pierhead line is described in Resolution No. 5126, passed and adopted June 7, 1982 by the City Council of said City; thence northwesterly along said pierhead line 321.07 feet to a line parallel with the northwesterly line of Lot 17, as said lot is shown and so designated on said map; thence leaving said pierhead line northeasterly along said parallel line 60.00 feet, more or less, to the southwesterly line of Lot G, as said lot is shown and so designated on said map; thence southeasterly along the southwesterly lines of said Lot G, Lots 17 through 11 and said Lot 10, as said lots are shown and so designated on said map, to the POINT OF BEGINNING.

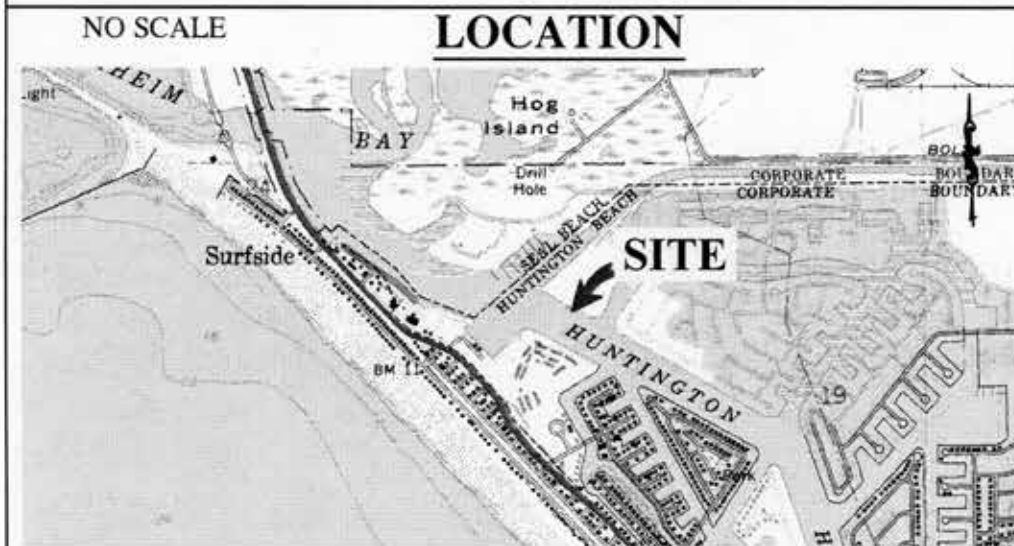
END OF DESCRIPTION

Prepared November 20, 2015 by the California State Lands Commission Boundary Unit.





3176 PORTOFINO CIRCLE, HUNTINGTON BEACH



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 6900.1
PORTOFINO COVE PATIO
HOMES ASSOCIATION
APN 178-023-14
GENERAL LEASE -
RECREATIONAL USE
ORANGE COUNTY



MJJ 11/10/2015